



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 21, 2010
AGENDA DATE: July 28, 2010
PROJECT ADDRESS: 903 W. Mission Street (MST2009-00388)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner
 Kelly Brodison, Assistant Planner

DNK
KAB

I. PROJECT DESCRIPTION

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: AB Design Studio, Inc.	Property Owner: Heidi Ferguson
Parcel Number: 043-113-009	Lot Area: 5,000 sq. ft.
General Plan:	Zoning: R-2
Existing Use: One-Family Residence	Topography: Flat
Adjacent Land Uses:	
North – One-Family Residence	East - One-Family Residence
South – One-Family Residence	West – One-Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	844 sf	557 sf addition = 1,401 sf
Garage	317 sf	623 sf

C. PROPOSED LOT AREA COVERAGE

Building: 1,999 sf 40% Hardscape: 513 sf 10% Landscape: 2,488 sf 50%

IV. DISCUSSION

The subject property is located on the corner of West Mission and Gillespie Streets and therefore, has two front yard setbacks. The proposed project involves the construction of an accessory dwelling unit above a new 623 square foot three-car garage. Modification approvals are required for a new garage to be located within the required 20-foot front setback and to provide less than the required common open yard area of 600 square feet.

The existing 317 square foot garage is non-conforming to size and encroaches within the interior setback. The new garage is proposed to provide a third covered parking spot for the accessory dwelling unit, and would comply with the interior setbacks. However, in order to provide the required 10 foot width for the common open yard at the rear of the lot and the required 20' minimum interior depth of the garage, the applicant is requesting a modification for the garage to encroach approximately 18" into the 20' front setback on Gillespie Street. Staff's position is that requiring the garage to meet the 20' setback for garages facing the street would not benefit the project and would, in fact create the need for a modification of the common open yard minimum dimensions. Transportation Staff has reviewed the proposal, and prefers the requested encroachment into the front setback instead of reducing the interior depth of the garage by 18", because 12" of the encroachment is due to the thickness of the walls of the garage. The length of the area in front of the garage door is 19.5', which meets Transportation Division standards.

Two dwelling units are allowed on this 5,000 square foot lot in the R-2 Zone, with the special provisions for accessory dwelling units. Common open yard on lots developed with accessory dwelling units requires that the open yard may be provided in one area of at least 600 square feet or two areas, each of which must be at least 300 square feet, each with a minimum dimension of 10'x10'. The existing house is situated on the lot in such a way that that neither of these open space requirements can be met and additionally, the lot is constrained with two front setbacks. However, the project does meet the locational requirements for the open yard and provides one area of 375 square feet for the new unit residence, two areas of 237 and 130 square feet, each meeting the 10'x10' minimum dimension, for the existing residence. Additionally, the project meets the requirements for the private outdoor living space for both units as well as provides areas for enjoyment of the yard. Although the minimum area of 300 feet is not being met for the front unit, it is Staff's position that adequate open yard is being provided.

V. FINDINGS AND CONDITION

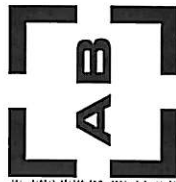
The Staff Hearing Officer finds that the front setback modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Staff Hearing Officer finds that the Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

Said approval is subject to a condition that all construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department.

Exhibits:

- A. Site Plan
- B. Applicant's letter, dated June 7, 2010
- C. ABR Minutes



AB
DESIGN STUDIO
INCORPORATED
11111 CALLE CECILIA, SUITE 100
SAN DIEGO, CALIFORNIA 92121
TEL: 619.594.7111
FAX: 619.594.7112
WWW.ABDESIGNSTUDIO.COM

PROJECT: 903 WEST MISSION
CLIENT: WEST MISSION STREET
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PROJECT: 903 WEST MISSION
PROJECT: 903 WEST MISSION

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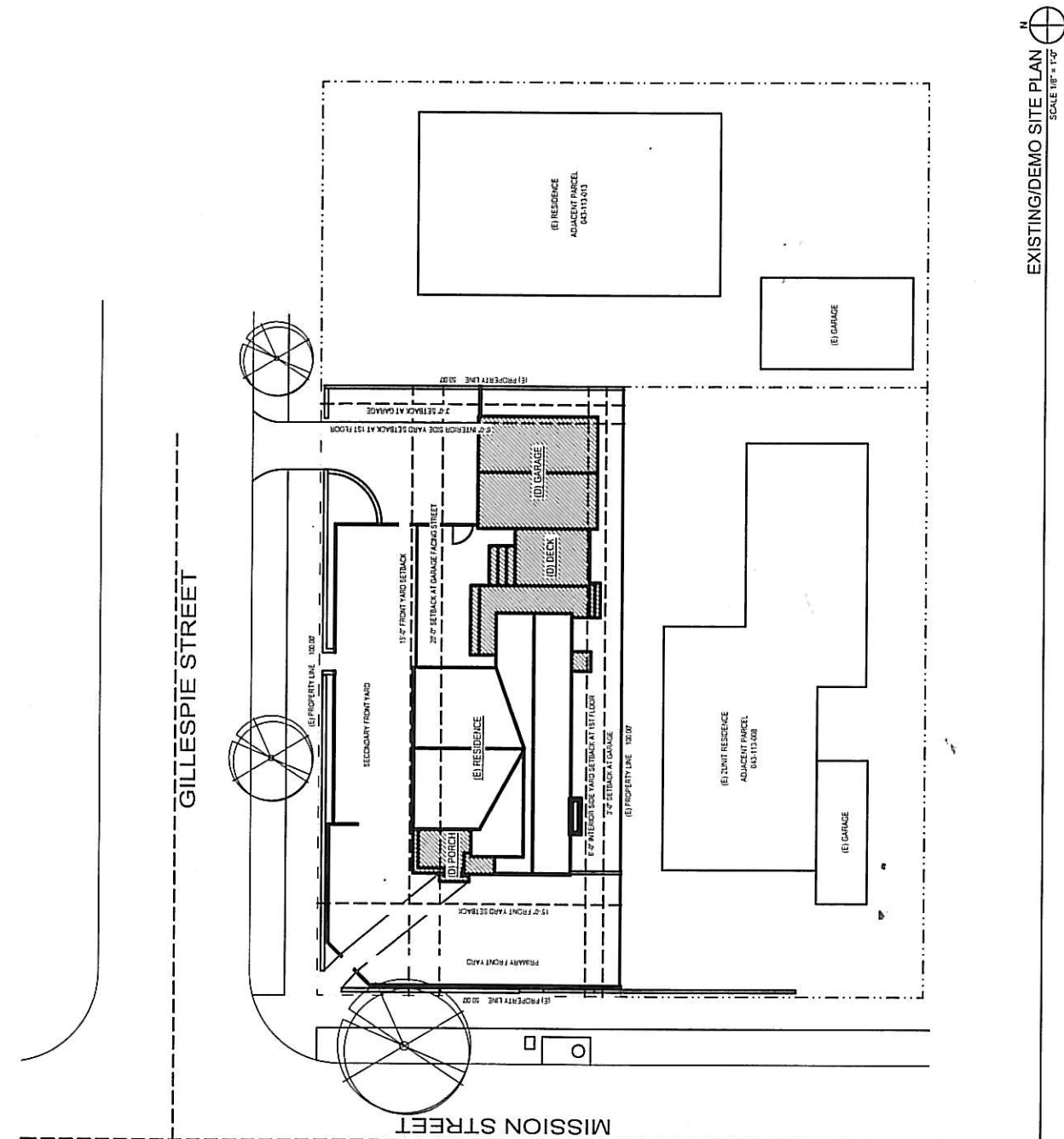
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SANTA ANA, CA 92701
MEL PERLSON
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PROPOSED SITE PLAN

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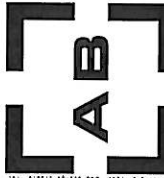
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PROPOSED FIRST FLOOR PLAN

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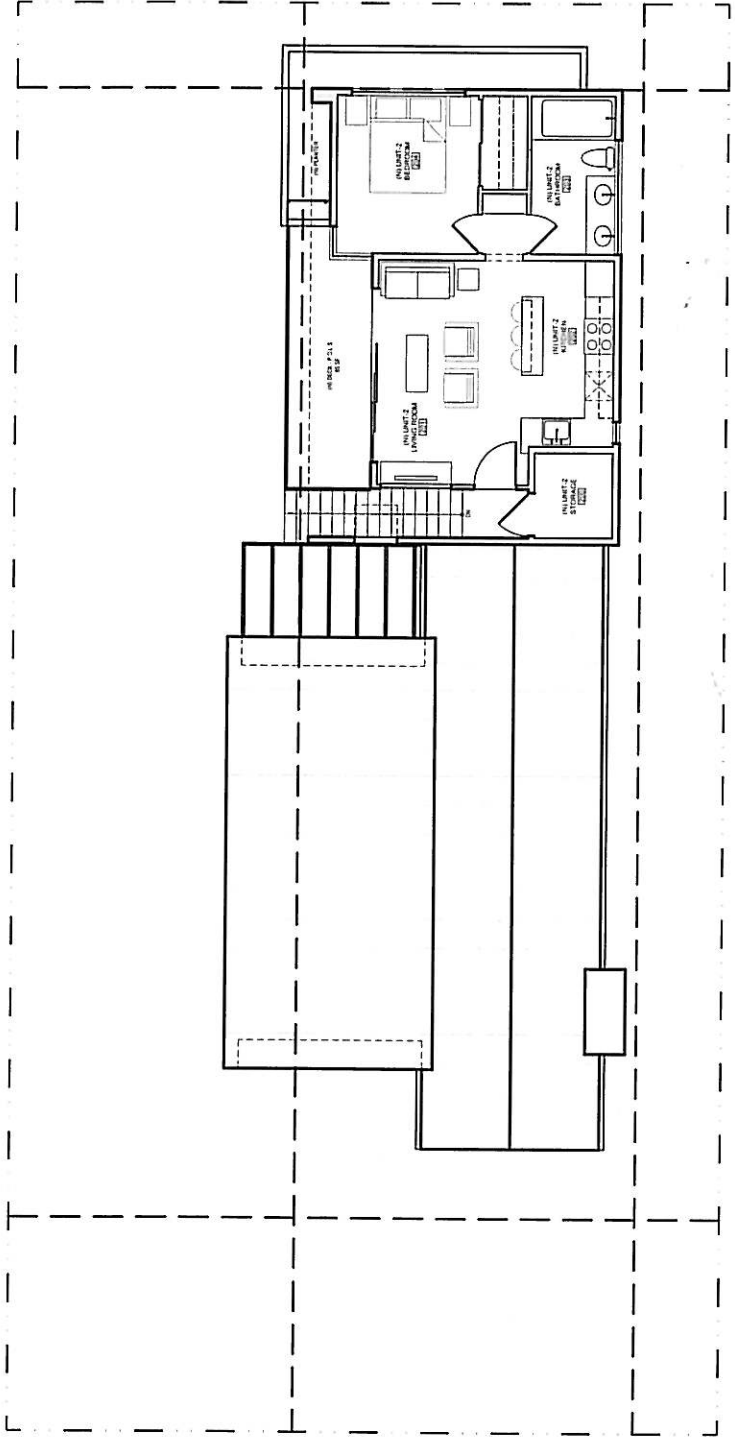
AB DESIGN STUDIO
INCORPORATED
1000 CALIFORNIA STREET
SUITE 100
SAN FRANCISCO, CA 94109
TEL: 415.774.1100
WWW.ABDESIGNSTUDIO.COM

FIRM NAME	AB DESIGN STUDIO
CITY/STATE	SAN FRANCISCO, CA
PHONE	415.774.1100
FAX	415.774.1101
CONTACT	JOHN ABRAHAM
FIRM NAME	JOHN ABRAHAM
CITY/STATE	SAN FRANCISCO, CA
PHONE	415.774.1100
FAX	415.774.1101
CONTACT	JOHN ABRAHAM
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CITY/STATE	SAN FRANCISCO, CA
PHONE	415.774.1100
FAX	415.774.1101
CONTACT	JOHN ABRAHAM



PROJECT NAME	903 WEST MISSION
PROJECT ADDRESS	903 WEST MISSION STREET SAN FRANCISCO, CA 94109
OWNER	JOHN ABRAHAM
DESIGNER	AB DESIGN STUDIO
DATE	10/10/00

903 WEST MISSION
SAN FRANCISCO, CA 94109
JOHN ABRAHAM
10/10/00

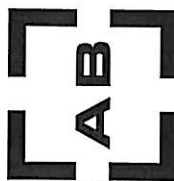
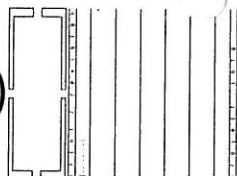


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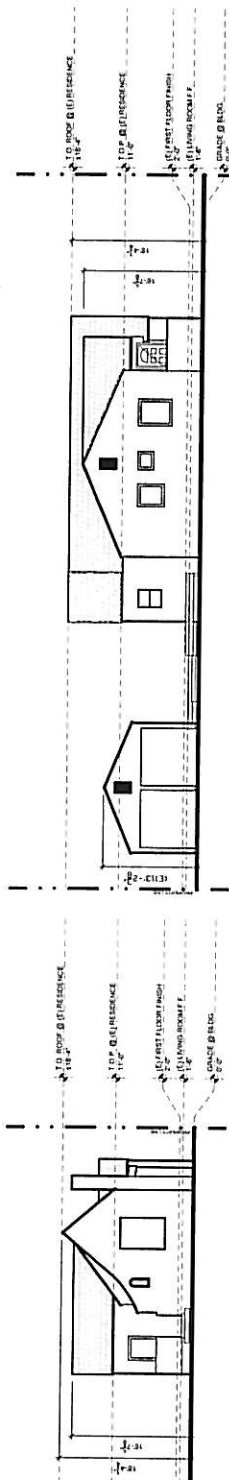
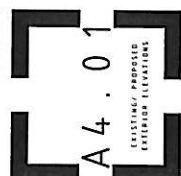


PROPOSED SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

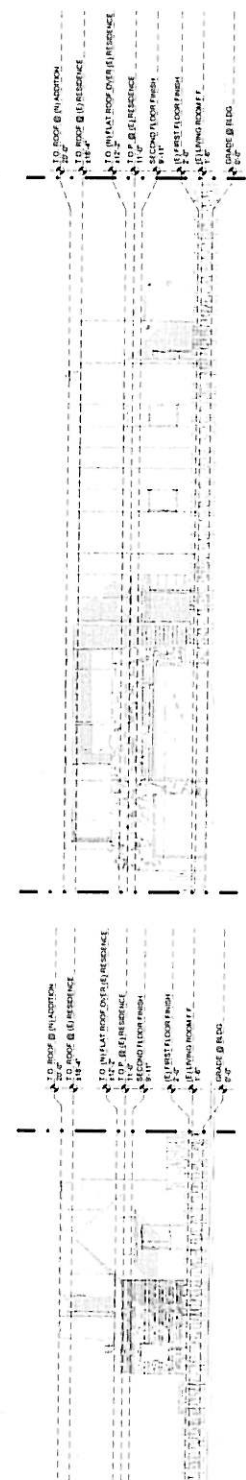
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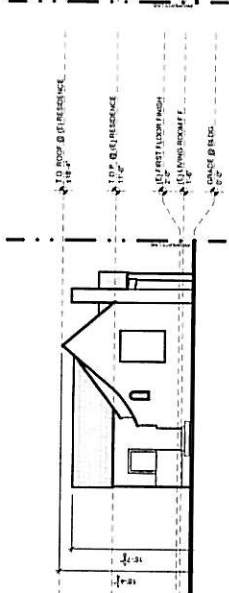
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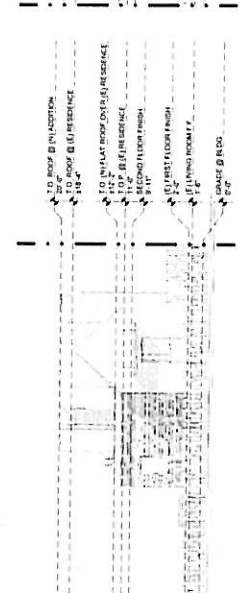
EXISTING NORTH ELEVATION



PROPOSED NORTH ELEVATION



EXISTING WEST ELEVATION 4
SCALE 1/8" = 1'-0"



PROPOSED WEST ELEVATION 3
SCALE 1/8" = 1'-0"

keynotes



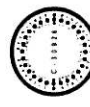
AB DESIGN STUDIO
INCORPORATED
1115 11th Street
San Francisco, CA 94103
Tel: 415.398.1115
Fax: 415.398.1116
www.abdesignstudio.com

PROJECT: 903 WEST MISSION
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Fax: 415.398.1116
www.abdesignstudio.com

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1115 11th Street
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www.abdesignstudio.com

DESIGNER: AB DESIGN STUDIO
1115 11th Street
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Tel: 415.398.1115
Fax: 415.398.1116
www.abdesignstudio.com

DATE: 11/11/11



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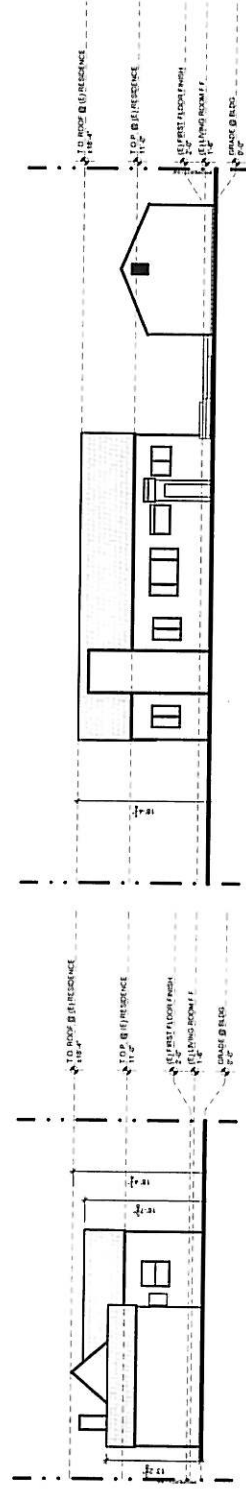
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EXISTING EAST ELEVATION 4

SCALE 1/8" = 1'-0"

EXISTING SOUTH ELEVATION 2

SCALE 1/8" = 1'-0"



PROPOSED EAST ELEVATION 3

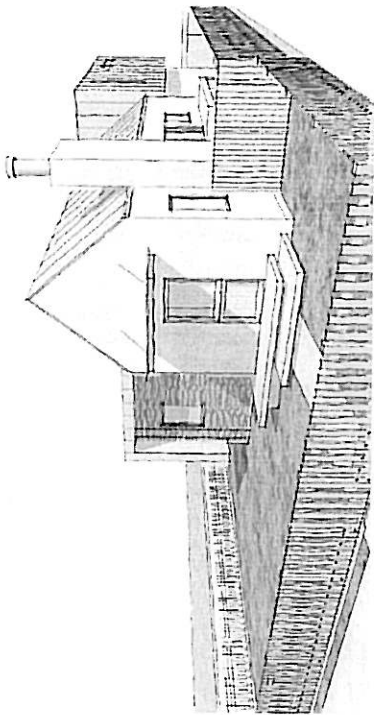
SCALE 1/8" = 1'-0"

PROPOSED SOUTH ELEVATION 1

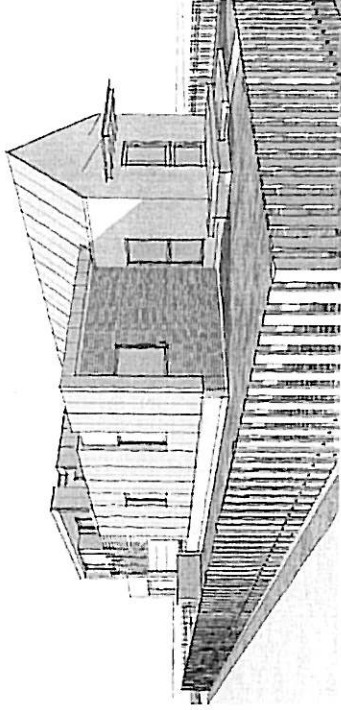
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keynotes

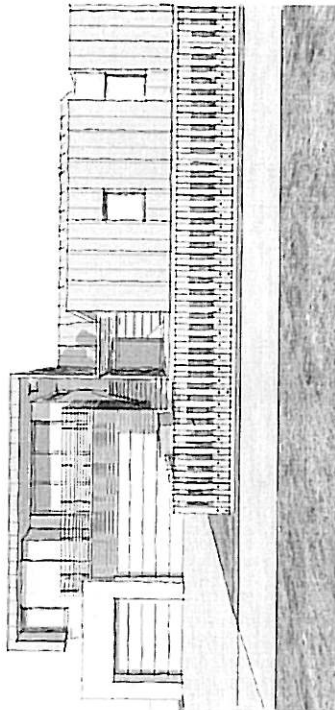
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- 2



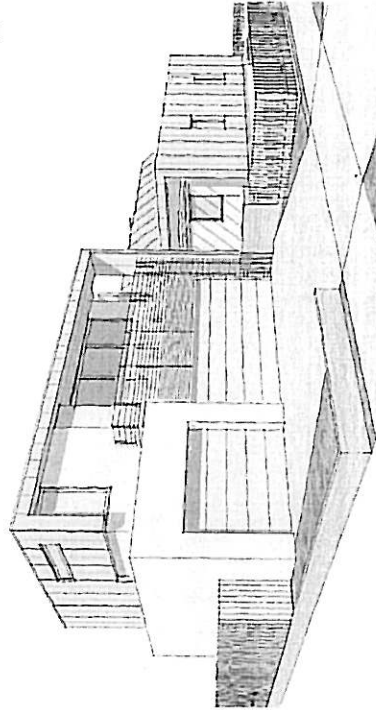
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SCALE: NTS



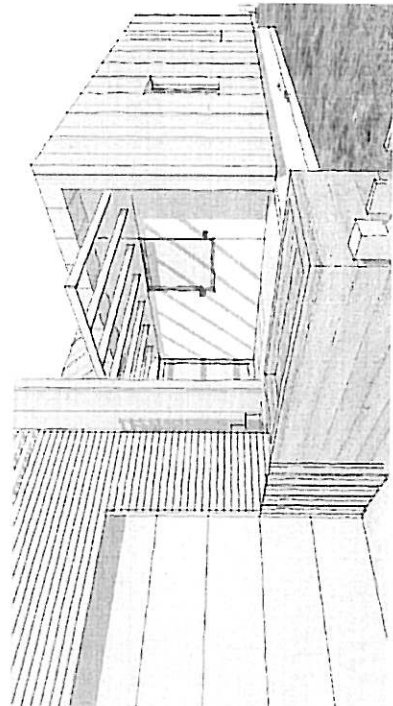
PERSPECTIVE 2
SCALE: NTS



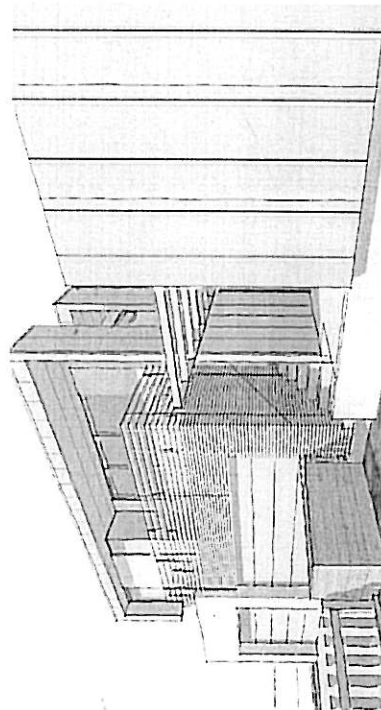
PERSPECTIVE 3
SCALE: NTS



PERSPECTIVE 4
SCALE: NTS



PERSPECTIVE 5
SCALE: NTS



PERSPECTIVE 6
SCALE: NTS

DESIGN STUDIO
INCORPORATED
P O BOX 1111
1111 S. GATEWAY BLVD
SANTA BARBARA, CA 93101
TEL: (805) 964-1111
FAX: (805) 964-1112
WWW.DESIGNSTUDIO.COM

PROJECT: 903 WEST MISSION
CLIENT: JAMES WEST MISSION, SANTA BARBARA, CA 93101
ARCHITECT: JAMES WEST MISSION, SANTA BARBARA, CA 93101
DESIGNER: JAMES WEST MISSION, SANTA BARBARA, CA 93101
CONTRACTOR: JAMES WEST MISSION, SANTA BARBARA, CA 93101

AB

A 7.01
EXTERIOR PERSPECTIVES



4/29
Revised
letter
to come
3/20/10

MODIFICATIONS LETTER

June 7, 2010

Roxanne Milazzo
City Of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Subject: 903 W. Mission
Modification Request
APN: 043.113.009; Land-use Zone R-2

Via: Hand Delivered

Dear Staff Hearing Officer

1. There is an existing single-family residence of 844 sf with a detached non-conforming two-car garage of 317 sf on the above referenced property. The property is a corner lot and thus has two front yard setbacks to the Easterly and Northerly. The existing detached non-conforming two-car garage encroaches into the interior yard setback on the Southerly side of the property. All buildings on the lot have building permits. There are no existing enforcement cases open.

The proposal is to add a new 3-car garage with a 525 sf accessory unit above. The existing single-story home will be remodeled on the exterior, the interior will remain as-is. As part of this proposal, the existing non-conforming garage will be removed. A new garage, conforming with interior dimension requirements will be constructed outside of the interior yard setback on the Southerly side of the lot. This garage will be connected to the existing residence. To conform with open yard requirements on this restricted lot, the front face of the garage will encroach into the 20 foot setback, 18".

2. There are two modifications being requested. The first is to allow the new conforming three-car garage to encroach into the front yard setback on the Easterly side (Gillespie) of the lot. The setback for the home is 15 feet, but garages that face streets are to be setback 20 feet. This minor encroachment will allow for a usable open space complying with City Standards to be located behind the new garage. There are other homes (across the street and on the same block) that encroach considerably more than 18". The face of the garage will remaining behind the face of the existing residence.

3. The second modification is necessary to allow the required 600 sf of open yard to be split into two areas. The first area is behind the new garage and totals 375 sf, which complies. The second area is located in the Front Yard and is 237 sf, which does not comply. The Code states that 600 sf is the minimum and can be split into two 300 sf areas on the site. Because our lot is hindered by two front yards and the location of the existing home, we cannot have the other area be larger than 300 sf. This area, however is in the front of the home and adjacent to over 2000 sf of open yard protected by the Setbacks on each street. The area will not be fenced in. This is a common modification for older homes on smaller corner lots with two front yards.

4. These two Modifications allow the homeowner to build a project that fits her needs. They are minor in nature and supported by ABR. There is precedence in the neighborhood of recent projects that have street facing garages encroaching into the front yard setback. There are also several two unit and multi-unit properties on this block on small 5,000 sf lots.

Because this lot has two front yard setbacks, it is impossible for this property to comply with the required 1250 sf open yard requirement for single family. The mod we are requesting for the open yard will not impact the neighborhood, make the home imposing or have an adverse affect on the existing site. The is still ample usable open space that exists today and will remain in perpetuity with this addition. We are actually creating MORE useable open yard for the residents by splitting it up and moving the garage forward.

We feel that this is an appropriate solution in that the addition to the home is consistent with the neighborhood. We have met with many of the neighbors who support the project and modifications. The changes to the exterior will bring this home current and the home owners will be able to raise their family and enjoy it for the next 30 years.

Sincerely,



Clay Aurell, AIA, LEED AP
Principal Architect

CA:ca

cc: Heidi Ferguson



ARCHITECTURAL BOARD OF REVIEW
CASE SUMMARY

903 W MISSION ST

MST2009-00388

R-NEW UNIT

Page: 1

Project Description:

Revised proposal to construct a new 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage on a 5,000 square foot lot. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The project requires Staff Hearing Officer review for a requested zoning modification to provide less than the required 600 square feet of open yard and to allow the garage to encroach into the required 20 foot front-yard setback.

Activities:

7/16/2010

ABR-Posting Sign Issued

5/17/2010

ABR-Concept Review (Continued)

(Third Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for two requested zoning modifications.)

(5:45)

Present: Josh Blumer, Architect, AB Design Studio; and Heidi Harbaugh, Owner.

Public comment opened at 6:02 p.m. As no one wished to speak, public comment was closed.

Staff clarified the Alternative Open Yard and Private Outdoor Living Space Requirements, per SBMC 28.18.060.C.3, for proposals involving an accessory dwelling unit.

Motion: Continued indefinitely to Staff Hearing Officer and return to Full Board with comments:

- 1) The Board finds the requested modifications acceptable to achieve the open space, recognizing that it is a small corner lot, which makes it difficult for compliance with standard open space lot requirements.*
- 2) The Board is appreciative of the proposed change in architectural design as it reduces the overall mass of the building.*

Activities:

3) The Board finds acceptable the second floor setbacks away from the garage, and the inclusion of the planter element to soften that corner of the building.

4) The Board looks forward to refinement of the garage elevation to include secondary architectural elements to add additional scale at the garage doors and the lower wing of the west elevation.

LANDSCAPING:

1) Locate the perimeter fencing five feet back from the existing retaining wall to comply with Ordinance requirements.

2) Study providing a landscape area between the two garage doors.

3) Study introducing a trellis structure on the large garage door to soften with a vine planting.

4) Study incorporating some ground cover relief at the new driveway to be consistent with the character of the neighborhood.

Action: Rivera/Sherry, 4/1/0. Motion carried. (Mosel opposed, Aurell stepped down, Gilliland/Zink absent).

5/12/2010**ABR-FYI/Research**

AB Design Studio is the new architect for the project as of May 2010.

The project had two concept reviews with the previous architect and is now on the third concept review (5/17) with the new architect.

5/4/2010**ABR-Resubmittal Received**

Revised description - updated numbers and mod applications.

12/14/2009**ABR-Concept Review (Continued)**

(Second Concept Review. Project requires Environmental Assessment and Staff Hearing Officer review for a modification to provide less than the 600 square feet of the required open yard area.)

(7:35)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 7:46 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Christine Cunningham was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

1) Study reducing the roof pitches on the addition to further reduce the ridge heights.

2) Study ways to uniform the style of the building; particularly the window proportions and style, etc.

3) Eliminate the long shed roof element on the east and west elevation of the addition.

4) Return with building sections and plate heights of the first and second floor.

5) Study the eave of the north elevation over the garage.

6) Study the wood trellis element over the second story balcony.

7) The Board has mixed opinions on the proposed modification, and defers further comment at this time.

Activities:

8) Study introducing dormer elements in the second floor addition to reduce the apparent mass.
Action: Aurell/Gilliland, 5/1/0. Motion carried. (Mosel opposed, Gross/Sherry absent.)

12/8/2009***ABR-Resubmittal Received***

received three sets for continued concept review. Applicant needs to do arch letter report and go to SHC for open yard mod.

10/5/2009***ABR-Concept Review (New) - PH***

(Comments Only; Project requires Environmental Assessment.)

(3:30)

Present: Tarah Brown, Applicant; Marc Perry, Architect; and Heidi Harbaugh, Owner.

Public comment opened at 3:53 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Paula Westbury was acknowledged by the Board.

Motion: Continued indefinitely to Full Board with comments:

- 1) The Board understands the constraints involved with corner lots; however, the Board feels the project is moving in the wrong direction as it lacks compatibility with both the existing house and the neighborhood.
- 2) Study the overall style for a design that is compatible in style, massing, and materials, and provides neighborhood compatibility and continuity of style throughout the project.
- 3) Provide an entrance to the second unit that incorporates a pedestrian street presence and neighborhood compatibility.
- 4) Study the proposed fencing and material to be more compatible with the overall style of the house and neighborhood.
- 5) The Board finds the proposed curb cut to be excessive in length and would prefer to have it minimized. Verify the length of the proposed curb cut with the Transportation Division staff and if possible revise to reduce the length.
- 6) The Board reserves their comments on the modification at this time pending the above items, as the project has not reached the appropriate project threshold.

Action: Sherry/Gross, 8/0/0. Motion carried.

10/5/2009***ABR-Mailed Notice Prepared***

Prepared 9/14/09; mail out date 9/24/09; applicant prepared mailing labels.

9/16/2009***ABR-FYI/Research***

Note: as the proposal is considered an accessory unit for a lot with 5,000 square feet - this imposes specific size conditions on both units. The main residence may not have more than three bedrooms and

Activities:

may not exceed 1200 sq.ft. The accessory unit may not have more than one bedroom and may not exceed 600 sq.ft. This imposes restrictions on any proposed additions to the main residence which, as a result of this proposal, will be a two-bedrooms and 854 square feet.

9/15/2009***ABR-Resubmittal Received***

resubmittal to address prelim plan check comments. First concept review scheduled for 10/5/09.

9/10/2009***ABR-Correspondence/Contact***

Spoke to applicant regarding PLCK comments and faxed PLCK to architect Marc Perry (805-653-5321) 9/10/09.

Issues to address include: 200 cubic feet of exterior storage; recalculate the P.O.L.S.; the front steps encroaching into the front setback and the maximum 3' x 3' dimensions.

8/27/2009***ABR-FYI/Research***

note that the applicant provided the mailing labels and therefore was only charged for the posting sign.

*--update-- per Jaime Limon - applicant is to be charged the total fee for postage (# of labels x 0.43).
Postage fee $79 \times 0.43 = 33.97$. MJB 9/8/09*

8/27/2009***ABR-Posting Sign Issued***

posting sign issued

8/27/2009***ABR-FYI/Research***

Note per applicant, they will be widenign the curbcut as part of this permit and applicant was advised that an encroachment permit will most likely be required and to check with P.W. regarding this matter. Also, applicant advised that she spoke to Chelsey in Transportation Planning and they will be relocating an existing no-parking sign at the site.

ACTUAL TIME: 10:05 A.M.

C. **APPLICATION OF AB DESIGN STUDIO, ARCHITECT FOR HEIDI FERGUSON, 903 W. MISSION STREET, 043-113-009, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2009-00388)**

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC §28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 and 15305.

Present: Clay Aurell, Architect, AB Design Studio; Heidi Ferguson, Owner.

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation.

Three letters in opposition from Pam Brandon, Brandon Smith and Paula Westbury were acknowledged.

The Public Hearing was opened at 10:26 a.m.

Pam Brandon next door neighbor: concerned about loss of privacy and reduced property value; suggested having a skylight in lieu of, or relocating, the window overlooking her backyard.

Mimi Greenberg: opposed to Ms. Brandon's loss of privacy (submitted written comments).

The Public Hearing was closed at 10:33.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

ACTION:

Assigned Resolution No. 041-10

The front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

Said approval is subject to the following conditions: 1) All construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department; 2) The ABR shall review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 10:41 a.m.

Submitted by,

Gloria Shafer, Staff Hearing Officer Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 041-10
903 W. MISSION DRIVE
MODIFICATIONS
JULY 28, 2010

APPLICATION OF AB DESIGN STUDIO, ARCHITECT FOR HEIDI FERGUSON, 903 W. MISSION STREET, 043-113-009, R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2009-00388)

The 5,000 square foot lot is currently developed with an 844 square foot single family residence and a 317 square foot detached garage. The proposed project involves the construction of 525 square foot second story accessory dwelling unit above a new 623 square foot three-car garage. The proposal includes the demolition of the existing 317 square foot non-conforming garage, and a 25 square foot covered porch to the existing main residence, and a 32 square foot addition to the main residence. The project will result in an 876 square foot main residence, a 525 square foot new accessory dwelling unit and a new 623 square foot three-car garage. The discretionary applications required for this project are Modifications to permit construction of the garage within the required 20 foot front setback (SBMC § 28.18.060.A), and to provide less than the required Common Open Yard area of 600 square feet (SBMC 28.18.060.C.3).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 and 15305.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, two people appeared to speak in opposition of the application, and no people appeared to speak in favor thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 21, 2010.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:


The front setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure appropriate improvement on the lot. By allowing the proposed three-car garage to encroach 18" into the front setback, the project meets current Municipal Code requirements by providing three parking spaces on site, while still providing a useable space at the rear of the lot.

The Modification of the open yard for the front unit to be less than the required 300 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Although one area does not meet the minimum dimension of least 300 square feet, the project provides enough area by providing three separate open yard areas totaling more than the required total of 600 square feet.

- II. Said approval is subject to the following conditions: 1) All construction within the City right of way, including new driveway, curb, gutter, sidewalk, relocation of street sweeping sign etc. will require a permit from the Public Works Department; 2) The Architectural Board of Review shall review the proposed window location on the second-story building with respect to providing maximum privacy for the neighbor.

This motion was passed and adopted on the 28th day of July, 2010 by the Staff Hearing Officer of the city of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Gloria Shafer, Staff Hearing Officer Secretary

7-29-2010

Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.

